

REMARKS

The present reply is submitted in response to the election/restriction requirement dated September 22, 2006, which set a one-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by November 22, 2006.

Claims 1-17 are pending in this application.

In the Office Action, the Applicants were required to elect a single invention to which the claims must be restricted, specifically, Group I, claims 1-13, drawn to a use of natural zein for improving the condition of hair; Group II, claim 14, drawn to a permanent wave agent containing natural zein and at least one hair keratin-reducing agent; Group III, claims 15 and 16, drawn to an agent for oxidative treatment of hair containing natural zein and at least one oxidant; and Group IV, claim 17, drawn to a hair colorant containing natural zein and one or more oxidation dye precursors.

In response to the election/restriction requirement, the Applicants hereby elect Group I, claims 1-13, drawn to the use of natural zein for improving the condition of hair. This election is traversed.

In the Office Action, the Examiner cited a prior art reference, U.S. Patent No. 4,186,188 to Gumprecht et al, to show that the common feature of the independent claims, namely natural zein, does not distinguish the claims from the prior art. Gumprecht teaches polypeptides of cosmetic formulations for treating

hair, which include polypeptides. The Examiner contends the reference teaches using natural zein to treat hair.

Gumprecht teaches polypeptides with unhindered charges and a molecular weight of 200 to 2000, which can be included in hair treatment compositions (see abstract and claim 1 of Gumprecht). These polypeptides, which are comparatively low molecular weight, are made by hydrolysis of selected proteins (see column 2, line 67 to column 3, line 2). Zein (column 4, line 57) is among the proteins that can be used as a starting material for the trypsin catalyzed hydrolysis.

However, Gumprecht does not appear to teach that **zein itself** is useful for inclusion in cosmetic compositions that treat the hair.

The present application claims the use of natural (native) zein for improving the condition of hair and also as a component of hair treating compositions (claims 14, 15, and 17). In contrast, Gumprecht discloses a method using polypeptides “having two sterically unhindered positive charges” of the specific formula (see column 3, lines 27-52). Zein is one of the polymers which may be used to produce the polypeptides having two sterically unhindered positive charges (column 4, lines 22-61). However, the disclosure may also be understood as providing a mixture of the natural polymer and the derivative. In addition, Gumprecht does not disclose any compositions as defined in claims 14, 15, and 17 of the present application.

Based on the reasons set forth above, the Applicants respectfully request withdrawal of the restriction requirement and examination of all of claims 1-17 in this application.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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